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**Jump into fall** with CLE events coming up at the State Bar Center.

New programs coming soon — Watch your email for updates!

Video Replays

On-Demand Teleseminars available all month. Visit nmbar.org for more information.

CLE from home! Self-study on-demand courses available. Visit nmbar.org/education for more information.

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Meetings

OCTOBER

7
Children’s Law Section BOD,
Noon, Juvenile Justice Center

8
Business Law Section BOD,
4 p.m., teleconference

9
Public Law Section BOD,
Noon, Montgomery & Andrews, Santa Fe

14
Taxation Section BOD,
11 a.m., teleconference

16
Family Law Section BOD,
9 a.m., teleconference

16
Trial Practice Section BOD,
Noon, State Bar Center

20
Solo and Small Firm Section BOD,
11:30 a.m., State Bar Center

21
Real Property, Trust and Estate Section BOD,
Noon, State Bar Center

State Bar Workshops

OCTOBER

7
Divorce Options Workshop
6 p.m., State Bar Center, Albuquerque

7
Civil Legal Fair
10 a.m.–1 p.m., Second Judicial District
Court, Third Floor Conference Room, Albuquerque

7
Sandoval County Legal Clinic
10 a.m.–2 p.m., Sandoval County District
Courthouse, Bernalillo

8
Valencia County Legal Clinic
10 a.m.–2 p.m., Valencia County District
Courthouse, Los Lunas

9
Roswell Legal Fair
1–5 p.m., Roswell Adult & Senior Center, Roswell

19
Las Vegas Legal Fair
9 a.m.–1 p.m., New Mexico Highlands
University, Las Vegas

20
Cibola County Legal Clinic
10 a.m.–2 p.m., Cibola County District
Courthouse, Grants

Cover Artist: Willy Bo Richardson received a Master of Fine Arts degree from Pratt Institute in 2000. He teaches painting at Santa Fe University of Art and Design and exhibits nationally. In 2011 his work was included in “70 Years of Abstract Painting” at Jason McCoy Gallery in New York, which assembled works by a selection of modern and contemporary painters, including Josef Albers, Hans Hofmann and Jackson Pollock. In 2012 he exhibited a body of watercolors at Phillips auction house in New York. His work and vision was featured on the PBS weekly arts series ¡COLORES!. He is represented by Richard Levy Gallery in Albuquerque and Turner Carroll Gallery in Santa Fe.
**Court News**

**New Mexico Supreme Court Announcement of Vacancy**

A vacancy on the Supreme Court will exist in Santa Fe as of Nov. 1, due to the retirement of Hon. Richard C. Bosson, effective Oct. 31. Alfred Mathewson, chair of the Judicial Nominating Commission, solicits applications for this position from lawyers who meet the statutory qualifications in Article VI, Section 8 of the New Mexico Constitution. Applications may be obtained from the Judicial Selection website, www.lawschool.unm.edu/judsel/application.php. The deadline for applications is 5 p.m., Oct. 9. Applicants seeking information regarding election or retention if appointed should contact the Bureau of Elections in the office of the Secretary of State. The Judicial Nominating Commission will meet at 9 a.m. on Oct. 19 at the Supreme Court Building, 237 Don Gaspar Avenue, Santa Fe, to evaluate the applicants for this position. The Commission meeting is open to the public and those want to comment on any of the candidates will be heard.

**Statewide ADR Commission Meeting Notice**

The next meeting of the Statewide ADR Commission is 9–11:30 a.m., Oct. 16, at the State Bar Center in Albuquerque. All interested parties are welcome to attend. More information about the Commission is available on the New Mexico Courts website, www.nmcourts.gov > Court Services/Programs > Alternative Dispute Resolution > New Mexico ADR Commission.

**Second Judicial District Court Hearing Room at Bernalillo County Metropolitan Detention Center**

The Second Judicial District Court is providing the opportunity for public comment on the proposal to build a hearing room at Bernalillo County Metropolitan Detention Center. If built, the hearing room will be used to conduct arraignments and probation violation hearings for persons in custody at MDC. Trials will not be conducted at MDC. Comments, limited to three pages, must be in writing. They must be postmarked or hand-delivered to the Second Judicial District Court by Oct. 23. Comments should be mailed or delivered to Chief Judge Nan Nash, Second Judicial District Court, 400 Lomas Blvd., NW, Albuquerque, NM, 87102.

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**Santa Fe County Probate Court Online Case Look-Up Available**

The public may now search Santa Fe County Probate Court docket information for cases filed from 1922 to the present. To access the case look-up, visit www.santafecountynm.gov/probate. The public may continue to access complete court records at the Santa Fe County Probate Court at 102 Grant Avenue, Santa Fe, during normal business hours or by calling 505-992-6284 or 505-992-1636.

**Office of the Attorney General Searching for Relatives of Former Attorneys General**

The Office of Attorney General Hector Balderas is searching for relatives of past attorneys general to be included in the unveiling of a photo gallery honoring AGs serving from 1846 to present. The event will be 3–5 p.m. on Oct. 9. The gallery, housed in the Santa Fe OAG building, is open to the public for tours during normal business hours. Anyone who is related to a past AG or who knows relatives of past AGs is encouraged to contact the OAG Constituent Affairs Unit to provide contact information at AGPhotoGallery@nmag.gov. Classes of students who want to tour the historical gallery may also contact the OAG at www.nmag.gov/schedule-a-meeting.aspx. View a full list of previous attorneys general in the Sept. 16 Bar Bulletin (Vol. 54, No. 38).

**State Bar News**

**Attorney Support Groups**

- Oct. 12, 5:30 p.m.
  - UNM School of Law, 1117 Stanford NE, Albuquerque, King Room in the Law Library. To increase access, teleconference participation is now available. Dial 1-866-640-4044 and enter code 7976003#.
- Oct. 19, 7:30 a.m.
  - First United Methodist Church, 4th and Lead SW, Albuquerque (The group meets the third Monday of the month.)

**Professionalism Tip**

With respect to parties, lawyers, jurors, and witnesses:

I will give all cases deliberate, impartial and studied analysis and consideration.

**Indian Law Section**

**Save the Date! Mixer in Santa Fe Nov. 19**

The Indian Law Section will host its fall mixer at Georgia’s in Santa Fe, 225 Johnson St. next to the Georgia O’Keeffe Museum, 5–7 p.m. on Thursday, Nov. 19. Appetizers are included. Please R.S.V.P. to Heather Kleinschmidt, hkleinschmidt@nmbar.org by Nov. 18.

**Natural Resources, Energy and Environmental Law Section Happy Hour and Environmental Law Society Mixer**

Come mingle and enjoy some free food and drink in Albuquerque. Join the Natural Resources, Energy and Environmental Law Section as they join forces with the UNM School of Law Environmental Law Society for their annual mixer at 5:30–7:30 p.m., Oct. 22, on the UNSOL back patio. This will be a great opportunity for section members to catch up and to meet the new class of natural resources attorneys. There may be musical entertainment as well. To attend, R.S.V.P. to Evann Kleinschmidt, ekleinschmidt@nmbar.org by Oct. 20.

**Paralegal Division**

**Family Law CLE**

The Paralegal Division invites members of the legal community to bring a lunch and attend “Family Law” (1.0 G) presented by Scott Pistone. The program will be held from noon–1 p.m., Oct. 14, at the State Bar Center (registration fee for attorneys—$16, members of the Paralegal Division—$10, non-members—$15). Registration begins at the door at 11:45 a.m. For more information, contact Karen Atkinson, 505-341-0110, or Carolyn Winton, 505-888-4357. Telecast to Farmington, Roswell and Santa Fe. For details, visit www.nmbar.org >
Prosecutors Section Nominations Open for Annual Awards

The Prosecutors Section recognizes prosecutorial excellence through its annual awards. Awards for 2015 will be given out at the annual meeting in the following categories: child abuse (Homer Campbell Award), DWI, drugs, white collar, domestic violence, violent crimes (excluding domestic violence and child abuse cases), and children's court prosecutor. For detailed award criteria and nomination procedures, visit www.nmbar.org > About Us > Sections > Prosecutors. Nominations may be made by anyone and additional letters of support are welcome. The deadline for nominations is 5 p.m., Oct. 9.

Solo and Small Firm Section ‘Keeping Your Office Doors Open’ with Stephan Slota

Mark your calendars now for the Solo and Small Firm Section’s exciting line of speakers for the coming months. The Section welcomes every member of the bench and bar as well as paralegals to its monthly programs. The Section provides catered lunch gratis to all who pre-register with Evann Kleinschmidt, ekleinschmidt@ nmbar.org, no later than the Friday before the scheduled meeting.

- Oct. 20: “Keeping Your Office Doors Open in Times of Death, Data Breach and Other Disasters” with financial planner Stephan Slota
- Feb. 16, 2016: Randi McGinn
- March 15, 2016: Legislative session review with State Sen. Mike Sanchez (tentative)
- April 19, 2016: “The Emerging Future of Legal Relationships with Cuba” with David Serna and Leon Encinias

Young Lawyers Division Volunteers Needed at Veterans Legal Clinic on Oct. 13

The Young Lawyers Division and the New Mexico Veterans Affairs Health Care System are holding clinics for the Veterans Civil Justice Legal Initiative from 9 a.m.–noon, the second Tuesday of each month at the New Mexico Veterans Memorial, 1100 Louisiana Blvd. SE, Albuquerque. Breakfast and orientation for volunteers begin at 8:30 a.m. No special training or certification is required. Volunteers can give advice and counsel in their preferred practice area(s). The next clinic is Oct. 13. Those who are interested in volunteering or have questions should contact Keith Mier at kcm@sutinfirm.com or 505-883-3395.

UNM Law Library Hours Through Dec. 1

Building & Circulation
Monday–Thursday 8 a.m.–8 p.m.
Friday 8 a.m.–6 p.m.
Saturday 10 a.m.–6 p.m.
Sunday Noon–8 p.m.

Reference
Monday–Friday 9 a.m.–6 p.m.
Saturday–Sunday Closed

Closure
Thanksgiving holiday: Nov. 26–27

OTHER BARS Federal Bar Association, New Mexico Chapter Historic U.S. Courthouse Tour

Along with the New Mexico Chapter of the Federal Bar Association, Senior U.S. District Judge James A. Parker will lead a free tour of the historic U.S. Courthouse at 3 p.m. on Oct. 15. The Courthouse is located at 421 Gold Ave. in downtown Albuquerque. The courthouse, an important example of pueblo-deco architectural design, is the repository of significant Great Depression era murals. Judge Parker will provide a brief history of the courthouse, show its important and significant artwork, and relate courthouse tales. The tour is limited to 20 people. To register, email Valerie Vigil at Valerie_Vigil@nmcourt.fed.us or call 505-348-2393. To enter the building, those on the tour must bring their bar card or a valid photo ID.

New Mexico Hispanic Bar Association CLE and Meet and Greet in Las Cruces

The New Mexico Hispanic Bar Association presents “Cross-Border Legal Assistance Program

Help and support are only a phone call away.

24-Hour Helpline
Attorneys/Law Students
505-228-1948 • 800-860-4914
Judges
888-502-1289
www.nmbar.org > for Members > Lawyers/Judges Assistance

US Eagle

• Full credit union services to State Bar members and their employees.
• Low rates and flexible terms for auto loans and home mortgages.
• Free online and mobile banking.
US Eagle provides products and services to help their members attain personal financial success.
Call 888-342-8766 or visit www.usnmmfcu.org.

Address Changes

All New Mexico attorneys must notify both the Supreme Court and the State Bar of changes in contact information.

Supreme Court
Email: attorneyinfochange@nmcourts.gov
Fax: 505-827-4837
Mail: PO Box 848
Santa Fe, NM 87504-0848

State Bar
Email: address@nmbar.org
Fax: 505-797-6019
Mail: PO Box 92860
Albuquerque, NM 87199
Online: www.nmbar.org

New Mexico Lawyers and Judges Assistance Program

Free online and mobile banking.
Issues: Custody Issues, Agricultural Guest Worker Program, Plea Agreements & Immigration Consequences (1.0 G, pending MCLE approval). The seminar will be at 4 p.m., Oct. 29, at the Hotel Encanto de Las Cruces, 705 S. Telshor Blvd, Las Cruces. Following the CLE, join NMHBA for a meet-and-greet event from 5–7 p.m., co-hosted by the UNM School of Law with Special Guest Dean Sergio Pareja. For more information or to register, visit www.nmhba.net.

OTHER NEWS

Christian Legal Aid
New Volunteer Training Seminar

Christian Legal Aid of New Mexico invites new members to join them as they work together to secure justice for the poor and uphold the cause of the needy. Christian Legal Aid will be hosting a New Volunteer Training Seminar from 11 a.m.–5 p.m., Oct. 23, at the State Bar Center in Albuquerque. The seminar includes free lunch, free CLE credits and training on how to provide legal aid. For more information or to register, contact Jim Roach at 505-243-4419 or Jen Meisner at 505-610-8800 or christianlegalaid@hotmail.com.

New Mexico Lawyers for the Arts
Volunteers Needed for Clinic for Artists and Creative Professionals

New Mexico Lawyers for the Arts and WESST seek attorneys to volunteer for NM Lawyers for the Arts Pro Bono Legal Clinic from 10 a.m.–1 p.m., Nov. 7, at the Santa Fe Business Incubator. Breakfast will be provided. Clients will be creative professionals, artists or creative businesses who are WESST clients. Volunteer attorneys are needed in the following areas: contracts, business law, employment matters, tax law, estate planning and intellectual property law. For more information and to participate, contact Talia Kosh at tk@thebennettlawgroup.com.

Senior Citizens’ Law Office
Albuquerque Community Foundation Endowment

The Senior Citizens’ Law Office has established an endowment at the Albuquerque Community Foundation and gratefully accepts donations to its endowment through the Foundation. SCLO has been championing the rights of New Mexico’s elder population since 1983 by providing free, civil legal services to Bernalillo County seniors. By the end of 2015, SCLO will have served 3,200 individual clients in Central New Mexico. SCLO’s individual and system wide advocacy has positively affected many thousands of seniors statewide. For more information or to schedule a meeting with SCLO, contact Executive Director Ellen Leitzer at 505-265-2300 or eleitzer@sclonm.org.

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October

7 Choice of Law and Choice of Forum in Contracts
1.0 G
National Teleseminar
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

13–14 Advance Choice of Entity, Parts 1–2
2.0 G
National Teleseminar
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

13–14 More Reasons to be Skeptical of Expert Witnesses (Part VI)
5.0 G, 1.5 EP
Live Seminar and Webcast
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

1.0 EP
Video Replay
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

13 How to Become a Rock Star Lawyer, the Ethical Way
3.0 EP
Video Replay
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

13 ‘Technethics’: Ethical Issues in Social Media and Other New Technologies
3.0 EP
Video Replay
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

13 Veterans Disability Law Bootcamp: Learning the Practice
5.7 G
Albuquerque
Lawyers Helping Warriors
505-880-8737
www.LHWnetwork.com

19 The 30th Annual Bankruptcy Year in Review Seminar (2014)
6.0 G, 1.0 EP
Video Replay
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

19 Internet Investigative/Legal Research on a Budget and Legal Tech Tips (2014)
6.0 G
Video Replay
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

19 2015 Ethicspaloosa: Conflicts of Interest
1.0 EP
Video Replay
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

20 The U.S. District Court: The Next Step in Appealing Disability Denials
3.0 G, 1.0 EP
Live Seminar and Webcast
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

20 Employment and Labor Law Institute
5.0 G, 1.0 EP
Live Seminar and Webcast
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20 Legal Writing—From Fiction to Fact
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20 Mock Meeting of the Ethics Advisory Committee (2014)
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20 Drafting Reps and Warranties in Real Estate Acquisitions & Projects
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20 2015 Americans with Disabilities Act Update
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www.nmbar.org

21–22 Business Planning with S Corps, Parts 1 and 2
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22 Veterans Disability Law Bootcamp: Learning the Practice
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23 Ethics and the Attorney Client Privilege
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3.0 EP
Video Replay
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

23–24 Internet Investigative/Legal Research on a Budget and Legal Tech Tips (2014)
6.0 G
Video Replay
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

24 2015 Ethicspaloosa: Conflicts of Interest
1.0 EP
Video Replay
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

24 Internet Investigative/Legal Research on a Budget and Legal Tech Tips (2014)
6.0 G
Video Replay
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

24 2015 Ethicspaloosa: Conflicts of Interest
1.0 EP
Video Replay
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org

25–26 Advance Choice of Entity, Parts 1–2
2.0 G
National Teleseminar
Center for Legal Education of NMSBF
505-797-6020
www.nmbar.org
November

3  Small Business Legal Workshop (2014)  
   6.5 G  
   Video Replay  
   Center for Legal Education of NMSBF  
   505-797-6020  
   www.nmbar.org

3  2015 Ethicspalooza: Ethically Managing Your Practice  
   1.0 EP  
   Video Replay  
   Center for Legal Education of NMSBF  
   505-797-6020  
   www.nmbar.org

3  2015 Ethicspalooza: Proper Trust Accounting  
   1.0 EP  
   Video Replay  
   Center for Legal Education of NMSBF  
   505-797-6020  
   www.nmbar.org

3  2015 Spring Elder Law Institute  
   2.6 G  
   Video Replay  
   Center for Legal Education of NMSBF  
   505-797-6020  
   www.nmbar.org

3  Indemnification & Hold Harmless Agreements in Business & Real Estate  
   1.0 G  
   National Teleseminar  
   Center for Legal Education of NMSBF  
   505-797-6020  
   www.nmbar.org

4  2015 Health Law Symposium—The State of Medicaid in New Mexico: Fraud/Abuse, Contractual and Legislative Concerns  
   4.5 G, 1.0 EP  
   Live Seminar and Webcast  
   Center for Legal Education of NMSBF  
   505-797-6020  
   www.nmbar.org

4  Estate & Income Tax Planning Issues in Divorce  
   1.0 G  
   National Teleseminar  
   Center for Legal Education of NMSBF  
   505-797-6020  
   www.nmbar.org

5  2015 Religion in the Workplace: Discrimination & Accommodation Update  
   1.0 G  
   National Teleseminar  
   Center for Legal Education of NMSBF  
   505-797-6020  
   www.nmbar.org

6  Representing Technology Start-ups in New Mexico: Navigating the Intellectual Property and Business Law Challenges  
   6.5 G, 1.0 EP  
   Live Seminar and Webcast  
   Center for Legal Education of NMSBF  
   505-797-6020  
   www.nmbar.org

6  Ethics & Tribunals: Communicating With the Courts & Government Agencies  
   1.0 EP  
   National Teleseminar  
   Center for Legal Education of NMSBF  
   505-797-6020  
   www.nmbar.org

27  2015 Ethicspalooza: Proper Trust Accounting  
    1.0 EP  
    Video Replay  
    Center for Legal Education of NMSBF  
    505-797-6020  
    www.nmbar.org

27  2015 Ethicspalooza: The Ethics of Social Media Use  
    1.0 EP  
    Video Replay  
    Center for Legal Education of NMSBF  
    505-797-6020  
    www.nmbar.org

27  2015 Ethicspalooza: Civility and Professionalism  
    1.0 EP  
    Video Replay  
    Center for Legal Education of NMSBF  
    505-797-6020  
    www.nmbar.org

27  Offers-in-Compromise: Settling Tax Liability for Individuals and Business Owners  
    1.0 G  
    National Teleseminar  
    Center for Legal Education of NMSBF  
    505-797-6020

29  Legal Issues on Commercial Leases, LOIs and TIs  
    3.7 G  
    Albuquerque  
    Commercial Association of Realtors New Mexico  
    505-503-7807  
    http://www.carnm.com/

30  2015 Land Use Law in New Mexico  
    5.0 G, 1.0 EP  
    Live Seminar and Webcast  
    Center for Legal Education of NMSBF  
    505-797-6020  
    www.nmbar.org

30  Craig Othmer Memorial Procurement Code Institute  
    2.5 G, 1.0 EP  
    Santa Fe  
    Center for Legal Education of NMSBF  
    505-797-6020  
    www.nmbar.org
Reciprocity in New Mexico

New Mexico Supreme Court Justice Edward L. Chávez administered the oath of attorneys to two attendees of the second Admission on Motion CLE program on Aug. 14 at the State Bar Center in Albuquerque. The third Reciprocity in New Mexico program is scheduled for Dec. 14 at the State Bar Center. For more information about Reciprocity, visit the New Mexico Board of Bar Examiners website, www.nmexam.org.

An Electric Afternoon with Sam Donaldson

Former ABC White House correspondent and internationally respected journalist Sam Donaldson, pictured right, entertained a crowd of almost 50 lawyers, judges and members of the legal community at the State Bar Center in Albuquerque on Sept. 15 as part of the Solo and Small Firm Section's monthly speaker and lunch series. Donaldson's presentation covered “Law, Politics and Journalism: A Delicate Dynamic.” He gave attendees tips for dealing with the press including not making an immediate enemy and never to lie, no matter what.

The Section hosts a guest speaker at their monthly meeting at noon on the third Tuesday of many months at the State Bar Center. Lunch is included. On Oct. 20, financial consultant Stephan Slota will suggest ways for “Keeping Your Office Doors Open in Times of Death, Data Breach and other Disasters.” To view a list of exciting speakers, planned through April 2016, refer to page 5. For more information, or to R.S.V.P. for the October program, contact Evann Kleinschmidt, ekleinschmidt@nmbar.org.

Sam Donaldson (fourth from left) with some Solo and Small Firm Section Board Members, from left, George W. Weeth, Daniel J. Tallon, John F. M. Samore, Michael F. Hacker and Mark A. Keller
The Second Judicial District Court Pro Bono Committee

would like to invite you to attend a

Volunteer Appreciation Reception

to thank the attorneys, staff and volunteers
who have supported our pro bono efforts during the past year.

Remarks by Chief Judge Nan Nash, Judge C. Shannon Bacon
and Judge Alan Malott.

**Pro Bono Attorney of the Year**
Billy Burgett

**Pro Bono Volunteer of the Year**
Heather Garcia

**Pro Bono Law Student of the Year**
Jeremy Faulkner

October 15, 2015 from 5:00 PM until 7:00 PM
4th Floor Vestibule, Second Judicial District Court

Light refreshments will be served.

Please RSVP to Aja Brooks at (505)797-6040 or ajab@nmlegalaid.org
by October 14, 2015.
OCTOBER 2015: The American Bar Association has dedicated an entire week in October to the “National Celebration of Pro Bono.” In New Mexico, the local Judicial District Court Pro Bono Committees have extended this celebration to span the entire month of October (and part of September). The committees are hosting a number of pro bono events across the state, including free legal fairs, clinics, recognition luncheons, Continuing Legal Education classes and more! To learn more about any of the events below, or to get involved with your local pro bono committee, please contact Aja Brooks at ajab@nmlegalaid.org or (505)797-6040. Thank you for your support of pro bono in New Mexico.

1st JUDICIAL DISTRICT:
Pro Bono Appreciation Luncheon and CLE
October 19, 2015 from 11 AM – 1:30 PM
Hilton of Santa Fe (100 Sandoval St., Santa Fe, NM 87501)
CLE: “Maintaining Equilibrium To Maximize Professionalism” by Barbara Kazen, Esq. and Ned Siegel, Phd. (1.0 E/P Pending)
The cost of the luncheon and CLE is $10.

2nd JUDICIAL DISTRICT:
Pro Bono Appreciation Reception
October 15, 2015 from 5 – 7 PM
2nd Judicial District Courthouse (400 Lomas Blvd. NW, Albuquerque, NM 87102)

Law-La-Palooza Free Legal Fair
October 22, 2015 from 3 – 6 PM
Cesar Chavez Community Center (7505 Kathryn Ave SE, Albuquerque, NM 87108)

4th JUDICIAL DISTRICT:
Free Legal Fair
October 19, 2015 from 9 AM – 1 PM
New Mexico Highlands University (Student Center, 800 National Ave., Las Vegas, NM 87701)

5th JUDICIAL DISTRICT (CHAVES):
Free Legal Fair
October 9, 2015 from 1 – 5 PM
Roswell Adult & Senior Center (807 N. Missouri Ave., Roswell)

5th JUDICIAL DISTRICT (LEA):
Free Legal Fair, Pro Bono Appreciation Luncheon & CLE
October 16, 2015 (Time and CLE details TBA)
Hobbs City Hall (200 E. Broadway, Hobbs, NM 88240)

6th JUDICIAL DISTRICT (LUNA):
Free Legal Fair
October 23, 2015 from 10 AM - 1 PM
Luna County District Court (855 S. Platinum, Deming, NM 88030)

9th JUDICIAL DISTRICT:
Ask-A-Lawyer Free Legal Fair, Pro Bono Appreciation Luncheon, & CLE
October 23, 2015 from 11:30 AM – 4:00 PM
Eastern New Mexico University (1500 S. Avenue K, Portales, NM 88130)
CLE details TBA

12th JUDICIAL DISTRICT (LINCOLN):
Free Legal Fair
October 24, 2015; Time and Location TBA

13th JUDICIAL DISTRICT:
Valencia County Legal Clinic
October 8, 2015 from 10 AM – 2 PM
Valencia County District Courthouse (1835 Hwy. 314 SW, Los Lunas, NM 87031)

Cibola County Legal Clinic
October 20, 2015 from 10 AM – 2 PM
Cibola County District Courthouse (515 W. High St., Grants, NM 87020)
WHEREAS, mediation is a dispute resolution process in which a neutral third party facilitates communication between the parties to a dispute to help them reach a voluntary and mutually acceptable agreement;

WHEREAS, the Statewide Alternative Dispute Resolution (ADR) Commission promotes the advancement of court-connected dispute resolution services available to citizens, families, businesses, and government bodies;

WHEREAS, the New Mexico courts encourage, offer, and provide mediation to assist litigants in resolving a broad array of disputes that include civil, family, juvenile, and criminal matters;

WHEREAS, mediation offers many benefits to litigants, the courts, and the public, including increased satisfaction with the dispute resolution process and outcome, reduced court cost and workloads, reduced litigant costs, improved relationships between the parties and decreased tension and conflict in the community;

WHEREAS, the availability and success of court mediation programs are largely attributable to the efforts of judicial officers, court staff, justice partners including community dispute resolution organizations, government agencies, state and local bar associations, mediation organizations and the individual mediators, many of whom contribute significant time and resources toward conducting mediations;

WHEREAS, widespread awareness of the nature, availability, and benefits of mediation and court mediation programs is important to ensuring the use of these programs and access to justice; and

WHEREAS, the American Bar Association (ABA) created the Mediation Week initiative as a celebration of the strides made in institutionalizing mediation as one of several dispute resolution processes and with the Association for Conflict Resolution promotes Mediation Week events during the third week in October.

NOW, THEREFORE, the Supreme Court of New Mexico proclaims October 11–17, 2015 as MEDIATION WEEK in New Mexico, commends the efforts of the individuals and organizations that make mediation services available to the citizens of New Mexico, and encourages the courts to recognize those individuals and publicize their mediation programs during Mediation Week.

DONE in Santa Fe, New Mexico, this 1st day of October, 2015.

Chief Justice Barbara J. Vigil
Justice Petra Jimenez Maes
Justice Richard C. Bosson
Justice Edward L. Chávez
Justice Charles W. Daniels
As of Aug. 1, **Hon. Frank A. Sedillo** took over as presiding civil division judge of the Bernalillo County Metropolitan Court. Judge Sedillo has served as a Metropolitan Court Judge in the civil division since 2000 and also serves as a judge for the Court’s homeless court program. Judge Sedillo joins Judge Sandra Engel, who presides over the Court’s criminal division.

**Kermit D. Lopez** has received a rating of AV pre-eminent from Martindale-Hubbell. Lopez is a partner and patent attorney with the intellectual property law firm of Ortiz & Lopez, PLLC. His practice focuses on patent preparation and prosecution and trademark and copyright matters, with an emphasis on electrical and software patent technologies.

Three of the University of New Mexico School of Law faculty have received promotions. **Camille Carey** has been promoted to professor. She teaches the Community Lawyering Clinic, Law Practice Clinic, the Domestic Violence Writing Seminar, Immigrants’ Rights Writing Seminar, practicum and torts. Her research and teaching interests include immigration, immigrant rights, family law, domestic violence, feminist legal theory and torts. **Yael Cannon** has been promoted to associate professor. She teaches the Community Lawyering Clinic, Children’s Advocacy and the UNM chapter of the Marshall-Brennan Constitutional Literacy Project, a civics education program for high school students. Her research interests focus on children’s law and disability rights, with a particular focus on social determinants of health and well-being affecting children living in poverty. **Alex Ritchie** has been promoted to associate professor. He teaches oil and gas law and other natural resources courses and property and business associations. His research interests focus on oil and gas law, with particular emphasis on conflicts between private interest owners and between public and private interests in oil and gas development.

**Ryan Jerman** has joined the law firm of Atkinson, Thal & Baker, PC, as an associate working primarily in the areas of civil litigation, contracts, malpractice, railroad and corporate litigation. He is a member of the Alaska Bar Association and the State Bar of New Mexico. Immediately before joining the firm, Jerman worked for the New Mexico Public Regulation Commission, where he served as director of the Transportation Division and Associate General Counsel. He attended Georgetown University and the University of Minnesota Law School.

**Tomas J. Garcia**, an associate at Modrall Sperling, has been selected as a member of the American Bar Association’s Business Law Section Fellows Program for the 2015–2017 class. Garcia’s practice includes a variety of commercial, healthcare, torts/personal injury and natural resources litigation. He serves on the board of directors of the State Bar Young Lawyers Division. He coordinates and regularly participates in service projects, such as drafting wills for emergency first responders, preparing advanced healthcare directives and power-of-attorney documents for low-income senior citizens and mentoring first-year law students at the University of New Mexico School of Law.

**Keya Koul** has taken a position as assistant director in the Office of Career Planning at the University of San Francisco School of Law. Koul moved to San Francisco earlier this year from Albuquerque. She is a past chair of the State Bar Young Lawyers Division and Committee on Diversity in the Legal Profession.

**Matthew G. Watson** and **Joshua L. Smith** announce the formation of a new partnership in the practice of law. Watson Smith LLC focuses in real estate law, water law and civil litigation in southern New Mexico.

**Billy J. Jimenez** joined the Miller Stratvert Law Firm as an associate in the firm’s Albuquerque office. He is a member of the State Bar of New Mexico and practices in environmental law, commercial law, civil litigation and administrative law. Most recently he was the director of Environmental Policy and Assistant General Counsel at the New Mexico Environment Department. Prior to that, he was in private practice. Jimenez attended the University of New Mexico (B.A., Psychology, 2006; J.D., 2012).
The New Mexico Hispanic Bar Association congratulates and welcomes Miguel Archuleta, Britt Baca-Miller and Amber Macias-Mayo as the newest members of its board of directors following the Association’s recent annual elections. NMHBA membership also re-elected Darren Cordova, Damian Lara and Alicia Santos to the board (through 2017). These directors will serve alongside 12 other board members. The NMHBA also congratulates its new Executive Committee members who began their terms on Aug. 1: President Damian Lara, Vice President Jacqueline Medina, Secretary Cristina Chavez Reyes, Treasurer Darren Cordova, At Large Member Monnica Garcia, At Large Member Lysette Romero and Immediate Past President Denise Chanez.

Atkinson & Kelsey, PA (Albuquerque)
Best Lawyers in America 2016
Virginia R. Dugan and Jon A. Feder
Best Lawyers in America 2016: Albuquerque Lawyer of the Year
Jon A. Feder (family law)

Comeau, Maldegen, Templeman & Indall, LLP (Santa Fe)
Best Lawyers in America 2016
Michael Comeau (appellate practice, banking and finance law), Larry Maldegen (commercial litigation), William Templeman (regulatory law) and Jon Indall (mining law).
Best Lawyers in America 2016: Lawyers of the Year
Jon Indall (Santa Fe, energy law) and Stephen Laufer (Santa Fe, mining law)

Gallagher & Kennedy (Santa Fe)
Best Lawyers in America 2016
Dalva L. Moellenberg (environmental law, litigation: environmental, natural resources law) and Timothy R. Van Valen (litigation and controversy: tax, tax law).
Best Lawyers in America 2016: Lawyer of the Year
Dalva L. Moellenberg (Santa Fe, environmental law)

Jackson Lewis PC (Albuquerque)
Best Lawyers in America 2016
Danny W. Jarrett (employment law: management, labor law: management) and Victor P. Montoya (employment law: management).

Lewis Roca Rothgerber LLP (Albuquerque)
Best Lawyers in America 2016
Jeffrey H. Albright (administrative/regulatory law, communications law, environmental law and litigation: environmental), Ross L. Crown (construction law and government contracts) and Dennis Jontz (commercial litigation, corporate law, litigation: real estate, real estate law)

Michael Schwarz, attorney (Santa Fe)
Best Lawyers in America 2016: employment law: individuals, civil rights law
Best Lawyers in America 2016: Lawyer of the Year: Santa Fe, employment law

Modrall Sperling Roehl Harris & Sisk PA (Albuquerque)
Best Lawyers in America 2016

Murchison Law (Taos)
Best Lawyers in America 2016
Frank E. (Dirk) Murchison

Rodey, Dickason, Sloan, Akin & Robb, PA (Albuquerque)
Best Lawyers in America 2016
Mark Adams, Leslie McCarthy Apodaca, Sandra Beerle, Rick Beiter, Perry Berndicksen III, Henry Bohnhoff, Brian Brack, Michael Brescia, David Buchholtz, David Bunting, John (Jack) Burton, Jeffrey Crossadel, Jocelyn Drennan, Nelson Frane, Catherine Goldberg, Scott Gordon, Alan Hall, Bruce Hall, Justin Horwitz, Paul Koller, Jeffrey Lowry, Dick Minnzer, Donald Monheimer, Michael Morgan, W. Mark Mowery, Sunny Nixon, Lisa Ortega, Theresa Parrish, John Patterson, Charles (Kip) Purcell, Edward Ricco, John P. Salazar, Andrew Schultz, Charles Seibert, Ellen Skrak, Seth Sparks, Tracy Sprouts, Robert St. John, Thomas Stahl, Jennifer Stone and Charles Vigil.

Best Lawyers in America 2016: Lawyers of the Year

Invitation

In Memoriam

Jon T. Kwako was born in Pelican Rapids, Minn. He graduated with honors from Detroit Lakes High School in 1964. He then attended the University of Minnesota and received a bachelor’s degree in Spanish to prepare for a profession in international law. However, he was called to service by the U.S. Army, entered the Vietnam War, and was trained to be a combat interrogator. During his service in Vietnam he received the Purple Heart. Upon returning home he attended law school at the University of New Mexico where he practiced law and served for two years as a state senator. He adored the Caribbean Sea and lived in Belize for many years before finally settling in Albuquerque. Kwako loved the Land of Enchantment and appreciated the many fine arts it provided. He will be remembered for his intellect and wit, his love of humanity and his friends, the preservation of the environment and the animals living there. He is survived by his loving daughter Kara Kwako Garrett, her husband Nathan Garrett; granddaughter Ruby Garrett of Macon, Ga; and his sister Kathryn Kwako-Kronick, and brother-in-law Craig Kronick of Huntington Beach, Calif. Jon is preceded in death by his parents Fred and Gen Kwako, and two sisters Mary Jo and Fredra Kwako.
Hon. David William Bonem was born June 1, 1940, in Tucumcari to Lorraine (Killer) and David Samuel Bonem, and died at his home in Waco, Texas, on Aug. 4. Judge Bonem was a member of "The Greatest of the Great," the '58 graduating class of Tucumcari High School. While in high school, he was active in the Tucumcari chapter of the Order of DeMolay. He went on to earn his undergraduate degree in Political Science from the University of New Mexico, graduating in 1962. He earned his Doctorate of Jurisprudence from the Washington College of Law at the American University in Washington, D.C., graduating in 1965. Judge Bonem began his law career by clerking for then New Mexico Supreme Court Justice Irwin Moise. After a year, he joined the Wesley Quinn Law Firm in Clovis. After working there for about a year, he became an assistant district attorney under Fred Hensley. In 1976, he was elected district attorney and served in that capacity until 1987 when he decided to run for the office of district judge. He became a judge for the Ninth Judicial District on Jan. 1, 1988, and served until Dec. 31, 2002. In 2003, he was appointed by the State Supreme Court to mediate the Pecos River Water Case and served until 2008. For the next two years, Judge Bonem was an instructor in collecting evidence and criminal law at the Clovis campus of Wayland Baptist University. Judge Bonem married Merriellen Grant on Aug. 23, 1975, at Heights Presbyterian Church in Albuquerque. They lived in Clovis until 1987, when they moved to Portales. Since 2013, they lived in Waco. Judge Bonem was a member of the First United Methodist Church in Clovis for nearly 40 years. He was a member of the State Bar and the District Nine Bar Association. He served on the board for Youth Opportunities Unlimited in Clovis, the New Mexico State Juvenile Justice Advisory Commission and the Juvenile Court Rules Committee. For 23 years he coached Little League, and later served as the District Administrator for Little League serving Tucumcari, Clovis and Portales. Judge Bonem is survived by wife, Merriellen; sons David Bonem and Daniel and Heather Bonem all of Syracuse, N.Y.; daughters Beth and Bo Summers of Marietta, Ga., Tracey and Scott Bergin of Lynchburg, Va., Kelley and Paul Croft of Oxnard, Calif., and Amy and Erik Whittimore of Marietta, Ga.; Melissa Bonem, widow of his son, Mark Bonem of Portales; 12 grandchildren, Kyle and Darin Bonem, Katie, Chelsea and Matthew Summers, Michael, Shawn and Sarah Bergin, Corey and Falynn Miller and Alex and Emily Whittimore; sister, Dr. Rena Mae Bonem of Waco; and caregiver Carlos Flauger. Judge Bonem was preceded in death by his father, David Bonem, mother, Margarette Bonem, and son, Mark Bonem.

Lydia Flores Camacho-Romisher was born on June 12, 1948, and died on Sept. 9. She dedicated endless hours as a volunteer and pro-bono attorney for the underprivileged and homeless in Albuquerque. Her love for learning and excellence surpassed expectations. Even after becoming legally blind in 1991 at the peak of her career, she attended law school and graduated with honors in 1999. She was admitted into the State Bar in 2000 and pursued pro-bono work as an attorney until her death. She was a volunteer practicing attorney for the Law Clinic at the UNM School of Law. She is survived by her loving husband, John Michael Romisher; daughters, sons-in-law and granddaughters, Stephanie Beth, John and granddaughter Kellie Lynn Webb; Michelle Lynn and Jeffrey Mann; Lindsey Anne, Jesse, granddaughter Jeslyn Eileen and step-granddaughter Sophia Sollien; brother-in-law, Roy Andrew Romisher. She is also survived by her siblings, in-laws, and numerous nieces and nephews. Siblings and spouses include: Efrain and Martha Camacho; George Camacho; Ramona and Daniel Halstead, Ginny and Randy Blackmun; Margarita and Francisco Castro; Maria and Marvin Camacho-Cook; William and Marie Camacho; Vincent and Rose Camacho. Camacho-Romisher was preceded in death by her parents, Vicente Sablan Camacho and Estefania Flores Camacho; and oldest sister, Anunciacion. Lydia was the second oldest child in the family. She is the paternal granddaughter of the late Luis Spencer Camacho and Ramona Reyes Sablan (Tun Luis and Tan Ramona) and maternal granddaughter of the late Joaquin Aghou Flores and Yerma Juana Aghou Bruggemann.

James Burke Alley Jr., a 50-year resident of Santa Fe, died Sept. 2. He was born April 12, 1936. He was the son of James Burke Alley and Esther Hall Alley of Oyster Bay, N.Y. Alley loved sports and seemed to be good at all of them: he was a wrestler, played football and was captain of the lacrosse team at the University of Exeter. In later years he enjoyed skiing at Taos, fishing at Crystal Brook and playing squash at the Kiva Club. He was a quick study at polo and cowboy polo, the latter of which resulted in the 1975 national championship as a member of the Santa Fe Sheriff’s Posse. Alley worked as a roustant in the Oklahoma oil fields during school, completed basic training in the U.S. Army in Texas after college, and then worked as a corporate lawyer at Debevoise and Plimpton in New York City. He found his true calling as a lawyer in Santa Fe serving the interests of every constituency that came to him for help. He was a member of the State Bar since 1965. Alley was strongly opposed to undesirable development and served on the board of the New Mexico Environmental Law Center. From 1961 to 1969, Jim was married to Helen C. Lamberton (Gates) with whom he had two children, Anne L. Alley and James B. Alley III. He married Maria Elisabeth Werner in 1971 at Songa Church in Sweden and they had one daughter, Kristina E. Alley, and in marriage he gained another son, Carl M. Kawaja. Alley was preceded in death by his brother, Harrison H. Alley and sister Jane J. Edgerton. He is survived by his sister, Cynthia A. Andrews, wife Elisabeth, his children Kristina, James, Carl, and Anne and her husband John S. Ferrara, and Jim’s grandchildren, Nicholas and Linnea, children of Kristina and her husband Timothy G. Farrell, and Catherine, Marcus and Noelle, children of Carl and his wife Gwendolyn N. Holcombe.

Tommy D. Hughes, age 69, died Sept. 4. He was born in Sherman, Texas, to Jack Aubrey and Dorothy Hughes on April 29, 1946. He graduated from high school in Wichita Falls, Texas, and Austin College in Sherman, Texas. After serving in the U.S. Navy in Vietnam, he moved to Albuquerque and attended the University of New Mexico School of Law. He practiced law until he moved to Santa Fe in 1983 to be the director of the Securities Division where he helped rewrite the New Mexico securities law. He then moved back to Albuquerque where he continued to practice law specializing in securities. He was the bond attorney for Bernalillo County for 20 years. Hughes was preceded in death by his father, Jack. He is survived by his mother, Dorothy of Albuquerque; wife, Linda Townsend of Albuquerque; step-son, Gary Kidd of Las Cruces; sister, Janice Moncla and husband, Gary of Beaumont, Texas; nephew, Richard Holbert and wife, Jen; three nieces and a nephew of Clinton, Miss.; and his beloved cat, Honeygirl. Hughes loved scotch, football and traveling.
### Writs of Certiorari

**As Updated by the Clerk of the New Mexico Supreme Court**

**PO Box 848 • Santa Fe, NM 87504-0848 • (505) 827-4860**

**Effective September 25, 2015**

**Petitions for Writ of Certiorari Filed and Pending:**

| No. 35,526 | State v. Mitchell | Date Filed | Petition Filed |
| No. 35,527 | State v. Mitchell | COA 34,573 | 09/24/15 |
| No. 35,528 | State v. Mitchell | COA 32,974 | 09/23/15 |
| No. 35,533 | McCoy v. Horton | 12-501 | 09/23/15 |
| No. 35,532 | Denham v. State | 12-501 | 09/21/15 |
| No. 35,531 | Deutsche Bank v. Huerta | COA 34,337 | 09/21/15 |
| No. 35,529 | State v. York | COA 33,462 | 09/21/15 |
| No. 35,530 | State v. Yanke | COA 34,474 | 09/21/15 |
| No. 35,528 | State v. Lopez | COA 34,166 | 09/18/15 |
| No. 35,515 | Saenz v. Ranack | COA 32,373 | 09/17/15 |
| No. 35,513 | State v. Wyatt B. | COA 33,297 | 09/14/15 |
| No. 35,509 | Bank of New York v. Borrego | COA 33,988 | 09/08/15 |
| No. 35,505 | Wild Horse Observers v. N.M. Livestock Board | COA 34,097 | 09/02/15 |
| No. 35,504 | Wild Horse Observers v. N.M. Livestock Board | COA 34,097 | 09/02/15 |
| No. 35,506 | Alonso v. Hatch | 12-501 | 08/31/15 |
| No. 35,487 | BAC Home Loans v. Hutchins | COA 34,250 | 08/24/15 |
| No. 35,495 | Stengel v. Roark | 12-501 | 08/21/15 |
| No. 35,480 | Ramirez v. Hatch | 12-501 | 08/20/15 |
| No. 35,479 | Johnson v. Hatch | 12-501 | 08/17/15 |
| No. 35,474 | State v. Ross | COA 33,966 | 08/17/15 |
| No. 35,422 | State v. Johnson | 12-501 | 08/10/15 |
| No. 35,466 | Garcia v. Wrigley | 12-501 | 08/06/15 |
| No. 35,454 | Alley v. State | 12-501 | 07/29/15 |
| No. 35,440 | Gonzales v. Franco | 12-501 | 07/22/15 |
| No. 35,422 | State v. Johnson | 12-501 | 07/17/15 |
| No. 35,416 | State v. Heredia | COA 32,937 | 07/15/15 |
| No. 35,415 | State v. McClain | 12-501 | 07/15/15 |
| No. 35,411 | Taylor v. State | 12-501 | 07/10/15 |
| No. 35,399 | Lopez v. State | 12-501 | 07/09/15 |
| No. 35,374 | Loughborough v. Garcia | 12-501 | 06/23/15 |
| No. 35,375 | Martinez v. State | 12-501 | 06/22/15 |
| No. 35,372 | Martinez v. State | 12-501 | 06/22/15 |
| No. 35,370 | Chavez v. Hatch | 12-501 | 06/15/15 |
| No. 35,369 | Serna v. State | 12-501 | 06/15/15 |
| No. 35,368 | Griego v. Horton | 12-501 | 06/15/15 |
| No. 35,353 | Collins v. Garrett | COA 34,368 | 06/12/15 |
| No. 35,355 | Chavez v. Hatch | 12-501 | 06/03/15 |
| No. 35,341 | Martin v. State | 12-501 | 05/28/15 |
| No. 35,371 | Pierce v. Nance | 12-501 | 05/22/15 |
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No. 33,898 Bargman v. Skilled Healthcare Group, Inc.  
No. 33,884 Acosta v. Shell Western Exploration and Production, Inc.  

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As Updated by the Clerk of the New Mexico Court of Appeals
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Effective September 25, 2015

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No. 34116 10th Jud Dist Quay CV-12-32, D STONE v R SMITH (affirm) 9/21/2015
No. 34573 12th Jud Dist Otero CR-13-304, STATE v G MITCHELL (affirm in part, and remand) 9/22/2015
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Slip Opinions for Published Opinions may be read on the Court's website:
http://coa.nmcourts.gov/documents/index.htm
Recent Rule-Making Activity
As Updated by the Clerk of the New Mexico Supreme Court

Effective October 7, 2015

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To view all pending proposed rule changes (comment period open or closed), visit the New Mexico Supreme Court’s website at http://nmsupremecourt.nmcourts.gov.
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Opinion

Cynthia A. Fry, Judge

(1) Plaintiffs, the exclusive bargaining representatives for unionized public employees of Bernalillo County, appeal the district court’s order denying their request for declaratory and injunctive relief against the Board of County Commissioners of Bernalillo County. Plaintiffs sought a declaration that Bernalillo County was not entitled to “grandfather” status under the New Mexico Public Employee Labor Relations Ordinance (LMO). Plaintiffs argue that Bernalillo County was not entitled to grandfather status because it did not have a system of procedures for collective bargaining in place before the date the LMO was enacted.

(2) Section 10-7E-26(A) of the LMO is typically referred to as the “grandfather clause,” which exempts public employers who qualify from the LMO’s requirements. Section 10-7E-26(A) (“A public employer other than the state that prior to October 1, 1991[,] adopted by ordinance, resolution[,] or charter amendment a system of provisions and procedures permitting employees to form, join[,] or assist a labor organization for the purpose of bargaining collectively through exclusive representatives may continue to operate under those provisions and procedures.”); see also AFSCME, Council 18 v. City of Albuquerque, 2013-NMCA-012, ¶ 10, 293 P3d 943 (“[T]he effect of grandfather clauses is to narrow, qualify, or otherwise restrain the scope of [a] statute or to remove from the statute’s reach a class that would otherwise be encompassed by its language.” (internal quotation marks and citation omitted)). Consistent with the text of the grandfather clause, our determination of whether a public employer is within the clause’s purview focuses on whether “(1) . . . a public employer [has in place] a system of provisions and procedures permitting employees to form, join[,] or assist a labor organization for the purpose of bargaining collectively through exclusive representatives and (2) . . . the public employer [adopted the system of procedures before] October 1, 1991.” Id. ¶ 8 (internal quotation marks and citation omitted).

(3) At first glance, the County appears entitled to the protections of the grandfather clause. The Bernalillo County Labor-Management Relations Ordinances (LMRO) were enacted in 1975 with the purpose to “allow county employees to organize and bargain collectively with the county government.” Bernalillo County, N.M., Ordinances § 2-210 (1975). Thus, having in place a system of procedures for collective bargaining well before 1991, the County appears to be a “grandfathered” entity under the LMO.

(4) Plaintiffs’ argument centers on the LMRO’s dispute resolution procedures. The contested procedures for alleged violations of the LMRO’s prohibited practices are found at Bernalillo County, N.M., Ordinances § 2-210 (1975). In the event there is an allegation that the County or an employee or employee organization has committed a prohibited practice violation, the Labor Board must hold a hearing. Id. § 2-210(f). Upon making its determination, the Labor Board “shall request that the county commission enter an order against the party guilty of the violation.” Bernalillo County, N.M., Ordinances § 2-211(a) (1975). The LMRO state that in entering the order, “[t]he county commission is not bound to accept either the majority or minority report of the [Labor Board], but shall exercise independence based on the record and arguments presented before it.” Id.

(5) Plaintiffs petitioned the district court for declaratory and injunctive relief, arguing that these procedures were unfair to county employees. Plaintiffs sought to file employee complaints before the New Mexico Public Employee Labor Relations Board instead of the County’s Labor Board. The district court denied their petition. Plaintiffs now appeal.

DISCUSSION

Standard of Review

(6) We review a district court’s denial of a claim for declaratory relief for abuse of discretion. State ex rel. Stratton v. Roswell Indep. Sch., 1991-NMCA-013, ¶ 49, 111 N.M. 495, 806 P2d 1085. “An abuse of discretion occurs when the district court’s ruling is clearly against logic and effect of the facts and circumstances before the court.” Id. However, to the extent that Plaintiffs’ arguments require this Court to engage in statutory construction, interpretation of a statute is a question of law that we review de novo. See Morgan Keegan Mortg. Co.
decision-maker on employee complaints. 

The Fourteenth Amendment of the United States Constitution protects citizens from state action that leads to deprivations of liberty and property without due process of law. Los Chavez Cnty. As’n v. Valencia Cnty., 2012-NMSC-044, ¶ 20, 277 P.3d 475 (internal quotation marks and citation omitted). "Procedural due process requires a fair and impartial hearing before a trier of fact who is disinterested and free from any form of bias or predisposition regarding the outcome of the case." Riegger, 2007-NMSC-044, ¶ 27 (internal quotation marks and citation omitted). "The inquiry is not whether the [tribunal is] actually biased or prejudiced, but whether, in the natural course of events, there is an indication of a possible temptation to an average [person] sitting as a judge to try the case with bias for or against any issue presented to him." Reid v. N. M. Bd. of Exam'rs of Optometry, 1979-NMSC-005, ¶ 7, 92 N.M. 414, 589 P.2d 198. “These principles are equally applicable to administrative proceedings” and are “even more relevant at the quasi-judicial level, where other trial-like rules of administrative proceedings are relaxed.” Los Chavez, 2012-NMCA-044, ¶ 23. 

(10) In considering Plaintiffs’ claims of bias, we first emphasize the presumption that administrative adjudicators perform their duties with honesty and integrity. See Jones v. N. M. State Racing Comm’n, 1983-NMSC-089, ¶ 13, 100 N.M. 434, 671 P.2d 1145. That is to say that, in this context, we presume that the county commission’s interest in reviewing the Labor Board’s decision is to act fairly and with impartiality in making its determination. “The burden of overcoming the presumption of impartiality rests on the party making the assertion [of bias].” Navistar Int’l Transp. Corp. v. United States EPA, 941 F.2d 1339, 1360 (6th Cir. 1991) (quoting Schweiker v. McClure, 456 U.S. 188, 196 (1982)). Furthermore, “any alleged prejudice on the part of the decision[-]maker must be evident from the record and cannot be based on speculation or inference.” Id. ¶ 10. 

(11) The inherent bias or partiality of a given circumstance can often be sufficient to rebut the presumption that administrative adjudicators will properly perform their duties. For example, in Los Chavez, the fact that a board member of the Valencia County Commission was a first cousin to an applicant for a zoning change required the board member to recuse herself. 2012-NMCA-044, ¶ 1. Although the presumption of bias between close relatives is constitutionally recognized in regard to judges, this Court saw no reason not to extend that presumption to administrative adjudicators. Id. ¶ 23. Likewise, in Riegger, the Court held that the board’s imposition of costs against a losing licensee for the hearing officer’s time and the cost of the hearing room violated due process. 2007-NMSC-044, ¶ 26. The Court stated that there was a reasonable probability, even absent evidence of actual bias or partiality, that the imposition of these costs could give a hearing officer the incentive to rule against the licensee in order to be fully compensated for his services. Id. ¶ 30. 

Importantly, in both of these cases, there was some fact or circumstance that established a personal interest that could improperly influence the administrative adjudicator’s ability to impartially decide the case. See Las Cruces Prof’l Fire Fighters v. City of Las Cruces, 1997-NMCA-031, ¶ 24, 123 N.M. 239, 938 P.2d 1384 (recognizing that “[o]ne who stands to gain or lose by a decision either way has an interest that may disqualified” (internal quotation marks and citation omitted))). In the present case, Plaintiffs have not presented any evidence suggesting the type of personal interest mentioned in Los Chavez and Riegger. 

(12) Plaintiffs rely on AFSCME v. Martinez, 2011-NMSC-018, 150 N.M. 132, 257 P.3d 952, to support their argument that the county commission’s interests favor management personnel. In Martinez, our Supreme Court held, in relevant part, that allowing the governor to remove board members of the Public Employee Labor Relations Board (PELRB) “at any time and for any reason” would be a violation of due process. Id. ¶ 10. The Court emphasized that the PELRB directly adjudicates disputes involving the governor and her appointees and, therefore, the governor “exerts subtle coercive influence over the PELRB.” Id. ¶¶ 10-11. Thus, because the PELRB is “empowered to make decisions that may adversely affect the executive branch,” it would be a violation of due process “if [the Court] conclude[d] that the members of the PELRB serve[d] at the pleasure of the [governor].” Id. ¶ 11. 

Plaintiffs analogize the present case to the Martinez decision by arguing that the county commission’s de facto exercise of executive power is similar to the governor’s “undue influence” over the PELRB. 

(13) We are unpersuaded by Plaintiffs’ argument. Although we remain mindful that the lines between governmental
bodies at the county level are not as stark as those at other levels of government. In Board of County Commissioners v. Padilla, 1990-NMCA-125, ¶ 10, 111 N.M. 278, 804 P.2d 1097, we disagree with Plaintiffs’ characterization of the county commission as effectively serving in a dual legislative/executive role such that its interest should be presumed to be in favor of management personnel. In Montoya, our Supreme Court rejected a similar presumption regarding the president of the Albuquerque City Council because the city’s ordinances did not define the president’s role as a managerial position and the ordinances referred to the city council as the “legislative body of the city.” Montoya, 2012-NMSC-007, ¶ 17 (internal quotation marks and citation omitted). While the structure of Bernalillo County government differs in many respects from the City of Albuquerque’s structure noted in Montoya, one important area of overlap is that the county commission, like the Albuquerque City Council, does not directly administer personnel management. See id. ¶ 18; § 4-38-19(B); Bernalillo County, N.M., Ordinances § 2-98. Consistent with the county manager’s oversight of county personnel, it is the county manager, like the mayor under Albuquerque’s system, who selects the “management” member of the Labor Board. Bernalillo County, N.M., Ordinances § 2-98(a), (b)(3); § 2-214(2) (1975); Montoya, 2012-NMSC-007, ¶ 18. We therefore disagree with Plaintiffs that the level of oversight the county commission exercises over the county manager indicates an interest sufficient to presume that the county commission is biased in favor of management personnel.

In the absence of evidence establishing the reason why the county commission would be inclined to favor management personnel over employees, Plaintiffs have not met their burden to rebut the presumption that the county commission impartially performs its duties in reviewing employee complaints. Accordingly, we conclude that the County’s dispute resolution procedures do not violate Plaintiffs’ due process rights to a fair and impartial tribunal.

CONCLUSION

For the foregoing reasons, we affirm the district court.

IT IS SO ORDERED.

CYNTHIA A. FRY, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge
RODERICK T. KENNEDY, Judge
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